



PATENT
2021906-7036502001
(21906-0703)

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AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Peter Phaal

Serial No.: 09/850,202

Filed: May 7, 2001

For: **TRAFFIC DRIVEN SCHEDULING
OF ACTIVE TESTS**

)
) **Confirmation: 9730**

)
) **Group Art Unit: 2141**

)
) **Examiner: Lien, Tan**

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RESPONSE TRANSMITTAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Response under 37 CFR 1.116
Expedited Procedure
Examining Group**

Dear Sir:

Transmitted herewith is a Response (6 pages) to Final Office Action, mailed January 10, 2005, for the above-identified application.

The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 50-2518, Docket No. 2021906-7036502001.

DATE: February 14, 2005

Respectfully submitted,

By: _____

Michael J. Bolan
Registration No.: 42,339

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Three Embarcadero Center, Suite 1800
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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2/14/05
Date of Deposit

Jocelyn L. Lee
Jocelyn L. Lee



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RESPONSE AFTER FINAL

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Response under 37 CFR 1.116

Expedited Procedure

Examining Group

Dear Sir:

This letter is responsive to the Final Office Action, dated January 10, 2005. Claims 1-19 and 26-32 remain pending in this application, all of which stand rejected. Based on the following remarks, reconsideration and allowance of this application is respectfully requested.

The Examiner has maintained the rejection of claims 1-19 and 26-32 over the combination of U.S. Patent Nos. 6,308,148 ("Bruins") and 6,587,878 ("Merriam"). To enable the Examiner to better understand the basis for Applicant's belief that the claimed invention is not obvious over the

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